SC: foreign divorce does not automatically end an Indian marriage

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News

A Supreme Court bench of Justices Prashant Kumar Mishra and Shree Chandrashekhar held on 3 Nov 2026 (Tuesday) that a divorce granted abroad does not automatically dissolve a marriage solemnised in India under the Hindu Marriage Act, 1955. A decree based only on irretrievable breakdown is not valid here, and must pass the test of Section 13 of the CPC. Taking British citizenship did not shield the husband (who obtained a UK divorce decree on the ground of irretrievable breakdown and remarried in the UK in 2014) from bigamy proceedings; proceedings against his parents and second wife were quashed. The couple married on 18 Apr 2003 at Sattenapalli (Andhra Pradesh); the husband became a British citizen in Feb 2013, and the first wife filed a complaint under IPC Section 494 in Feb 2016. The first wife had objected to the UK court's jurisdiction, so she did not submit to it; bigamy is a continuing offence, so delay in filing was no ground to quash; and the court found no material that the parents or the second wife knowingly took part. The Court applied Y. Narasimha Rao (1991) and its 2026 ruling in Kishorekumar Mohan Kale v. Kashmira Kale.

Key facts for the exam

Point	Details
Bench	Justices Prashant Kumar Mishra, Shree Chandrashekhar
Foreign decree	UK court (Cambridge County Court), 2013–14

Point	Details
Test for foreign judgments	Section 13, CPC
Offence	Bigamy – IPC 494 (now BNS Section 82)
Result	Bigamy case against husband continues

Background

- CPC Section 13: a foreign judgment is not conclusive if, among other things, the court lacked jurisdiction, it was not on the merits, it ignored Indian law, or natural justice was denied. Section 44A deals with executing decrees from reciprocating countries.
- Y. Narasimha Rao v. Y. Venkata Lakshmi (1991): a foreign divorce is recognised only if it is granted on a ground available under the law under which the couple married.
- Irretrievable breakdown is not a ground in the Hindu Marriage Act; only the Supreme Court can dissolve such a marriage using Article 142 (Shilpa Sailesh case, 2023). Section 13B gives divorce by mutual consent.

Frequently asked questions

What is this news about?

A Supreme Court bench of Justices Prashant Kumar Mishra and Shree Chandrashekhar held on 3 Nov 2026 (Tuesday) that a divorce granted abroad does not automatically dissolve a marriage solemnised in India under the Hindu Marriage Act, 1955.

What are the key facts to remember for the exam?

Bench: Justices Prashant Kumar Mishra, Shree Chandrashekhar; Foreign decree: UK court (Cambridge County Court), 2013–14; Test for foreign judgments: Section 13, CPC; Offence: Bigamy – IPC 494 (now BNS Section 82).

What is the background to this news?

CPC Section 13: a foreign judgment is not conclusive if, among other things, the court lacked jurisdiction, it was not on the merits, it ignored Indian law, or natural justice was denied.

Practice questions (with answers)

1. Which section of the Code of Civil Procedure (CPC) says when a foreign judgment is not conclusive?

A) Section 9

B) Section 44A

C) Section 13

D) Section 151

Answer: C – Explanation: CPC Section 13: a foreign judgment fails if, e.g., the court lacked jurisdiction or it breaches Indian law. Section 44A deals with executing decrees of reciprocating territories.

2. Which Article does the Supreme Court use to grant divorce directly on irretrievable breakdown of marriage?

A) Article 32

B) Article 136

C) Article 226

D) Article 142

Answer: D – Explanation: Article 142 lets the Supreme Court do "complete justice" (Shilpa Sailesh case, 2023); it is not a ground under the Hindu Marriage Act.

3. Bigamy, earlier under IPC Section 494, is now under which section of the Bharatiya Nyaya Sanhita, 2023?

A) Section 82

B) Section 64

C) Section 103

D) Section 318

Answer: A – Explanation: BNS Section 82 covers marrying again while a spouse is alive; this case was filed under the old IPC 494. (BNS 103 – murder, 318 – cheating.)

4. Which case laid down the tests for recognising foreign divorces in India?

A) Shah Bano (1985)

B) Sarla Mudgal (1995)

C) Y. Narasimha Rao (1991)

D) Lily Thomas (2000)

Answer: C – Explanation: Case: Y. Narasimha Rao v. Y. Venkata Lakshmi. The 1991 ruling said a foreign divorce must rest on a ground available under the law the couple married under. Sarla Mudgal dealt with conversion for a second marriage.

5. 1. Irretrievable breakdown: no ground in HMA.
2. Foreign citizenship validates a foreign divorce.
3. Mutual-consent divorce: Section 13B.
Which are correct?

A) 1 and 2 only

B) 1 and 3 only

C) 2 and 3 only

D) 1, 2 and 3

Answer: B – Explanation: A bench of Justices Prashant Kumar Mishra and Shree Chandrashekhar said on 3 Nov 2026 that British citizenship does not free a man from his Indian marriage, so 2 is wrong.

Sources: ThePrint/PTI (5 Nov 2026); LiveLaw (3 Nov 2026); Telangana Today (3 Nov 2026). © Shanmugam IAS Academy.